

RESOLUTION NO. 20191205-077

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public uses as set out below; and

WHEREAS, the City has attempted to purchase those needed real property interests, but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners:	Bluff Springs Food Mart, Inc., A Texas corporation
Project:	Austin Energy Circuit 811 Upgrade Parcel 27 Project

Public Use: For upgrading the capacity of the overall electric system, and ensuring the distribution of safe and reliable electric services to the community. An easement and right of way along, over, under, and across that portion of the Property bounded and described on Exhibit A and shown on Exhibit B, attached hereto and incorporated herein (the "Easement"), to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and electric telecommunications lines and systems; and all necessary or desirable appurtenances and structures (the "Facilities"), in the Easement, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and permit unimpeded access to the Facilities.

Location: 8545 North Lamar Boulevard, Austin, Travis County, Texas 78753

The general route of the project is along the east side of N. Lamar Blvd. from the Justin Lane Substation on North Lamar Blvd. crossing Lamar Blvd. at Wagon Trail Road from there the circuit traverses the North Park Estates and Gracywoods neighborhoods until it reaches the McNeil Substation on Knollpark Drive, in Austin, Travis County, Texas. (District 4).

Property: Described in the attached and incorporated Exhibit A and B.

ADOPTED: December 5, 2019

ATTEST:


Jannette S. Goodall
City Clerk

EXHIBIT "A"

PAGE 1 OF 4



Landesign Services, Inc.

1220 McNeil Road
Suite 200
Round Rock, Texas 78681
Firm Registration No. 10001800
512-238-7901 office
512-238-7902 fax

PROPERTY DESCRIPTION PARCEL 27

BEING A 0.089 OF ONE ACRE (3895 SQUARE FEET) PARCEL OF LAND SITUATED IN THE J.P. WALLACE SURVEY, ABSTRACT NO. 789, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT A, RESUBDIVISION OF LOTS 6 & 7, BLOCK 4, FISKVILLE SCHOOL ADDITION, RECORDED IN VOL. 33, PG. 31 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT A BEING DESCRIBED IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO BLUFF SPRINGS FOOD MART, INC., RECORDED IN DOCUMENT NO. 2000100700 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 0.089 OF ONE ACRE (3895 SQUARE FEET) PARCEL BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60D Nail found (Grid Coordinates: N=10102404.420, E=3125811.647) for the most Northerly corner of said Lot A and being at the intersection of the existing Easterly right-of-way line of North Lamar Boulevard (R.O.W. Varies) with the existing Southerly right-of-way line of Beaver Street (50' R.O.W. - called Ferncroft Street in Vol. 4, Pg. 169 of said Plat Records);

THENCE South 41°40'52" East departing said existing Easterly right-of-way line of North Lamar Boulevard, coincident with the common dividing line of said Lot A and said existing Southerly right-of-way line of Beaver Street, a distance of **15.00** feet to a Calculated Point not set for the Northeast corner of the herein described tract;

THENCE South 48°24'54" West over and across said Lot A, a distance of **257.00** feet to a Calculated Point not set in the Southwest line of said Lot A and the Northeast line of Lot 8, LAMAR PLAZA SECTION ONE, recorded in Vol. 66, Pg. 18 of said Plat Records;

EXHIBIT "A"

PAGE 2 OF 4

THENCE North $61^{\circ}20'52''$ West coincident with the common dividing line of said Lot A and said Lot 8, a distance of 15.94 feet to a Calculated Point not set for the most Westerly corner of said Lot A and the most Northerly corner of said Lot 8, also being in said existing Easterly right-of-way line of North Lamar Boulevard, from which a 1/2-inch iron rebar found for the most Westerly corner of said Lot 8 and the most Northerly corner of Lot 1, C.B.P. COMMERCIAL SUBDIVISION, recorded in Vol. 84, Pg. 109C of said Plat Records, also being in the existing Easterly right-of-way line of North Lamar Boulevard (R.O.W. Varies), bears South $48^{\circ}24'54''$ West a distance of 334.99 feet;

THENCE North $48^{\circ}24'54''$ East coincident with the common dividing line of said Lot A and said existing Easterly right-of-way line of North Lamar Boulevard, a distance of 262.37 feet to the POINT OF BEGINNING and containing 0.089 of one acre of land (3895 Square Feet) more or less.

All bearings shown hereon are based on the Texas State Plane Coordinate System (SPCS), Central Zone (4203), NAD83 (2011 Adjustment). All distances and coordinates shown hereon are grid values represented in U.S. Survey Feet.

This property description is accompanied by a separate plat of even date and was prepared by an on the ground survey made under my supervision during the month of October, 2016.


Travis S. Tabor
Registered Professional Land Surveyor
State of Texas No. 6428

01/27/2017
Date



Job Number: 16-006_811 Upgrade

Attachments: Survey Drawing: L:\City of Austin\811 Upgrade\DWGS\Parcels\16006_Parcel 27



GRAPHIC SCALE

EXHIBIT "B"

SEE SHEET 4 FOR LEGEND
AND TITLE COMMITMENT NOTES

Line Table		
Line #	Direction	Length
L1	S41° 40' 52"E	15.00'
L2	N61° 20' 52"W	15.94'

P.O.B.
GRID COORDS
N=10102404.420
E=3125811.647

BEAVER STREET
(50' R.O.W. - VOL. 4, PG. 169)
CONC. DRIVE/PKG.
GAS PUMPS

PARCEL 27
0.089 OF
ONE ACRE
(3895 SQ. FT.)

POLE
#301263

(N50°50'E 262.00')
(N48°24'54"E 262.37')

(S48°24'54"W 257.00')

BLUFF SPRINGS FOOD MART, INC.
DOC. NO. 2000100700
O.P.R.T.C.T.

NORTH LAMAR BOULEVARD
(R.O.W. VARIES)

RESUBDIVISION OF
LOTS 6 & 7, BLOCK 4,
FISKVILLE SCHOOL ADDITION
VOL. 33, PG. 31
P.R.T.C.T.

J.P. WALLACE SURVEY
ABSTRACT NO. 789

POLE
#301065

(334.39')
(S50°50'W)
334.99'
S48°24'54"W

CONC.
ASPH. DRIVE/PKG.

RELEASE OF P.U.E.
VOL. 9469, PG. 216
D.R.T.C.T.

LAMAR PLAZA SECTION ONE
VOL. 66, PG. 18
P.R.T.C.T.

STORAGE EQUITIES/PS PARTNERS III - AUSTIN
VOL. 9054, PG. 663
R.P.R.T.C.T.

5' P.U.E. - VOL. 33, PG. 31

C.B.P. COMMERCIAL
SUBDIVISION
VOL. 84, PG. 109C
P.R.T.C.T.

JOB NUMBER: 16-006	DATE: 01/27/2017
PROJECT NAME: 811 UPGRADE	
DRAWING NAME: 16006_PARCEL 27	
DRAWING FILE PATH: L:\City of Austin\811 Upgrade\DWGS\Parcels	
FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\Metes and Bounds	
RPLS: TST	TECH: TST
PARTYCHIEF: JA	CHK BY: JB
SHEET 03 of 04	FIELDBOOKS: 265/267
SCALE: 1"= 50'	



LANDESIGN
SERVICES, INC.

512-238-7901
1220 MCNEIL ROAD
SUITE 200
ROUND ROCK, TEXAS 78681
FIRM REGISTRATION NO. 10001800

COMMITMENT FOR TITLE INSURANCE PROVIDED BY:

CHICAGO TITLE INSURANCE COMPANY

GF NO.: CTA-07-CTA1601129JP

ISSUE DATE: JUNE 9, 2016 - EFFECTIVE DATE: JUNE 1, 2016

ONLY THOSE ITEMS LISTED IN SCHEDULE B OF THE ABOVE REFERENCED COMMITMENT FOR TITLE INSURANCE WERE REVIEWED FOR THE PURPOSE OF THIS SURVEY. NO ADDITIONAL RESEARCH WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, OR OTHER ENCUMBRANCES WHICH AFFECT THIS SURVEY THAT ARE NOT KNOWN TO THIS SURVEYOR.

1. THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN VOL. 845, PG. 478, DEED RECORDS OF TRAVIS COUNTY, TEXAS AND VOL. 33, PG. 31, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

SCHEDULE B EXCEPTIONS:

10a. NOT A SURVEY MATTER.

10b. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. NOTED HEREON.

10c. NOT A SURVEY MATTER.

10d. NOT A SURVEY MATTER.

10e. NOT A SURVEY MATTER.

10f. NOT A SURVEY MATTER.

10g. NOT A SURVEY MATTER.

10h. 5' PUBLIC UTILITY EASEMENT ALONG THE SOUTHEASTERLY PROPERTY LINE(S), AS RECORDED IN VOL. 33, PG. 31, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. NOTED HEREON - DOES NOT AFFECT.

10i. 5' PUBLIC UTILITY EASEMENT ALONG THE SOUTHWESTERLY PROPERTY LINE(S), AS RECORDED IN VOL. 33, PG. 31, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. SHOWN HEREON.

10j. NOT A SURVEY MATTER.

LEGEND

✱	COTTON SPINDLE FOUND (OR AS NOTED)
■	TX.D.O.T. TYPE I MONUMENT FOUND
□	TX.D.O.T. TYPE II MONUMENT FOUND
●	IRON REBAR FOUND (1/2" OR AS NOTED)
○	IRON PIPE FOUND (1/2" OR AS NOTED)
⊙	IRON REBAR FOUND WITH CAP (ILLEGIBLE)
▲	NAIL FOUND (PK OR AS NOTED)
△	CALCULATED POINT NOT SET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
O.R.T.C.T.	OFFICIAL RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
C.R.T.C.T.	CONDOMINIUM RECORDS OF TRAVIS COUNTY, TEXAS
R.O.W.	RIGHT-OF-WAY
P.U.E.	PUBLIC UTILITY EASEMENT
U.E.	UTILITY EASEMENT
B.L.	BUILDING LINE
(S45°E 45')	RECORD INFO. PER TRAVIS COUNTY

LEGEND

CO	WASTEWATER CLEANOUT	— OHE —	OVERHEAD ELECTRIC
W	WATER METER	✱	ELECTRIC MISC.
WV	WATER VALVE	⊙	ELECTRIC MANHOLE
ICV	IRRIGATION CONTROL VALVE	○	POLE
UN	UNKNOWN MANHOLE	— ○ —	POWER POLE
PB	ELECTRIC PULLBOX	⌋	SIGN POST
FP	FLAGPOLE	W	WATER METER
—	GUARDRAIL	⊙	FIRE HYDRANT
—	IRON FENCE	BP	BOLLARD
— ○ —	CHAIN LINK FENCE	⊙	TELEPHONE MANHOLE
		TEL	TELEPHONE PEDESTAL
		TV	CABLE MARKER
		CONC.	CONCRETE
		ASPH.	ASPHALT
		PKG.	PARKING AREA
		E.P.	EDGE OF PAVEMENT
		B.O.C.	BACK OF CURB

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 2011 ADJUSTMENT), CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

THIS MAP WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE FIELD WORK WAS COMPLETED IN OCTOBER, 2016.

TRAVIS S. TABOR
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS - NO. 6428

01/27/2017
DATE



JOB NUMBER: 16-006	DATE: 01/27/2017
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DRAWING FILE PATH: L:\City of Austin\811 Upgrade\DWGS\Parcels	
FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\FIELD\Field to Office\FNs	
RPLS: TST	TECH: TST
PARTYCHIEF: JA	CHK BY: JB
SHEET 04 of 04	FIELD BOOKS: 265/267
SCALE: 1" = 50'	



LANDESIGN SERVICES, INC.


512-238-7001
1220 MCNEIL ROAD
SUITE 200
ROUND ROCK, TEXAS 78681
FIRM REGISTRATION NO. 10001800

**Proposed Electric Transmission
and Distribution Easement
for
Austin Energy Transmission
Circuit 811 Upgrade**

**Owner: Bluff Springs Food Mart Inc
- Parcel #27**

Location: 8545 N Lamar Blvd

 Parcels

 Proposed Easement

2018 Aerial Imagery, City of Austin



*AE Public Involvement
& Real Estate Services*



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Ft

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by AUSTIN ENERGY for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by ECervantes 7/19/2019

